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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

09/127,112

Filing Date

July 31, 1998

First Named Inventor

Marcus

Art Unit

3714

Examiner Name

Harris, C.

Attorney Docket Number

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Statement Under 37 CFR § 1.97 (e) Transmittal Letter
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Landscape Table on CD
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Brian I. Marcus, Esq., Vierra Magen Marcus Harmon & DeNiro LLP		
Signature			
Printed name	Brian I. Marcus		
Date	December 22, 2005	Reg. No.	34,511

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Brian I. Marcus	Date	December 22, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application ) PATENT APPLICATION  
 )  
Inventor(s): Brian I. Marcus )  
 Warren S. Heit )  
 )  
SC/Serial No.: 09/127,112 )  
 )  
Filed: July 31, 1998 )  
 )  
Title: OBJECT RECOGNITION SYSTEM )  
 )  
 )  
 )

STATEMENT UNDER 37 CFR § 1.97 (e)

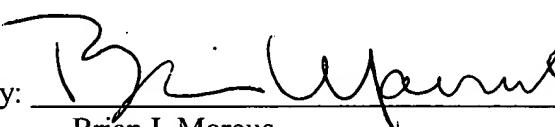
       (1) Each item of information contained in the accompanying information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

X (2) No item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

Date: December 22, 2005

By:   
Brian I. Marcus  
Reg. No. 34,511

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application	)	PATENT APPLICATION
	)	
Inventors	Brian I. Marcus	)
	Warren S. Heit	)
	)	
SC/Serial No.:	09/127,112	)
	)	Art Unit 3714
Filed:	July 31, 1998	)
	)	Examiner: C. Harris
Title:	AN ELECTRONIC	)
INTERACTIVE TOY FOR PROMOTING	)	Customer No. 28554
LEARNING IN A CHILD (As Amended)	)	
	)	

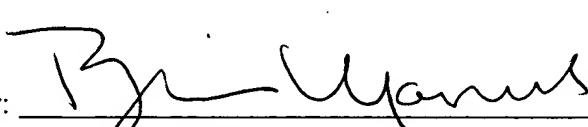
**TRANSMITTAL LETTER**

United States Patent No. 6,739,874, which is assigned to the assignee of the present application, is the subject to two mirror litigations, Tinkers & Chance v. Leapfrog Enterprises Inc., Civil Action No. 2:05-CV-349-TJW (Eastern District of Texas) and Leapfrog Enterprises Inc. v. Tinkers & Chance Case No. C 05 3850 MHP (Northern District of California). In each case, Leapfrog, the accused infringer, has raised the defenses of invalidity and unenforceability but has provided no basis or support for its defenses.

Respectfully submitted,

Date: December 22, 2005

By:

  
\_\_\_\_\_  
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PTO/SB/08a (07-05)

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